

## **Minutes of the Regular Meeting of the Ankeny City Council**

Monday, May 17, 2010 - 5:30 P.M.

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

Steven D. Van Oort, Mayor

Dave Kissinger, Mayor Pro tem

Council Members: Craig Block, Dave Kissinger, Wade Steenhoek, Gary L. Welch

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### **SPECIAL COUNCIL WORK SESSION 5:00 - 5:30 p.m.**

A presentation by the City of Ankeny pilot I-Team # 0 provided information on their efforts to update the City's environmental stewardship principles.

Mayor Van Oort called the meeting to order at 5:32 p.m. Council member Block was absent. City Manager, Carl Metzger, and City Attorney, Amy Beattie, were present.

Mayor Van Oort stated that Councilor Block has an excused absence.

#### **A. PUBLIC FORUM**

Citizen Open Forum: Tim Moerman, Economic Development Director, updated the Council on the upcoming Greater Des Moines Partnership trip to Washington, DC.

#### **B. APPROVAL OF AGENDA**

**ACTION #1.** Welch made the MOTION to approve and accept the May 17, 2010 agenda, without amendment, seconded by Kissinger.

ROLL CALL

2010-0517.01            YES    4            NO    0

#### **C. PUBLIC HEARING(S):**

- **PH 2010-14:** Proposed Amendment to the current Budget for Fiscal Year ending June 30, 2010.

Mayor Van Oort announced this is the time and place for a public hearing for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2010 by changing estimates of revenue and expenditure appropriations. Notice of this hearing was published in the Des Moines Register on May 6, 2010. He stated there will be no increase in tax levies paid. Any increase in expenditures set out are met from the increase of non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget. Significant changes requiring the amendment of current budget for fiscal year ending June 30, 2010 include the following:

- Amended other financing sources, debt service and capital projects activities increased due to the issuance of \$2,250,000 general obligation refunding bonds, series 2010C,

which refunds the 2002A and 2002B general obligation bonds at a cost savings of approximately \$78,600.

- Other increases in program expenditures are related to snow and ice control and unexpected repairs and maintenance.

**ACTION #2.** There being no written or oral objections, Strait made the MOTION to close Public Hearing 2010-14, seconded by Steenhoek.

**ROLL CALL**

**2010-0517.02                      YES    4                      NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

- **PH 2010-15:** Proposed Approval of a Joint Powers Agreement for the issuance of revenue bonds for Presbyterian Homes Obligated Group

Mayor Van Oort stated this is the time and place for a public hearing on the matter of the approval of a Joint Powers Agreement for the issuance of revenue bonds for Presbyterian Homes Obligated Group. A Notice of Hearing was published in the Des Moines Register on the 5<sup>th</sup> day of May, 2010.

Jennifer Sease, Director of Finance, reported to Council that the City received a request from Presbyterian Homes Obligated Group to issue revenue bonds jointly for three different cities, the City of Ankeny, the City of Spring Park, Minnesota and the City of Arden Hills, Minnesota, for approval of the refunding of current bonds Council approved back in 1999. The bonds issued in 1999 were issued in order to make improvements and construction of projects in Minnesota and Iowa. Four million of the thirty million Presbyterian Homes desires to issue is directly related to the Mill Pond facility located in Ankeny and these bonds are being refunded at a lower interest rate. Presbyterian Homes is planning to use the remainder of the revenue bonds to make improvements and renovations to the facilities in Minnesota. The signing of this Joint Powers Agreement by the City of Ankeny helps host these bonds and based on the Iowa Code there is no liability on the part of the City of Ankeny in entering such an agreement.

City Councilor Steenhoek inquired as to the relationship with Presbyterian Homes.

Jennifer Sease stated Chapter 419 of the Code of Iowa allows the city to issue revenue bonds to defray the cost of a facility that is operating under a 501(c)(3). By hosting of these cities together the cost of financing is less.

**ACTION #3.** There being no written or oral objections, Kissinger made the MOTION to close Public Hearing 2010-15, seconded by Steenhoek.

**ROLL CALL**

**2010-0517.03                      YES    4                      NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

**D. REPORTS OF ADVISORY BOARDS AND COMMISSION:**

Plan & Zoning Commission Representative, Steve Odson first congratulated Mayor Van Oort on receiving the "Person of Vision" award at the Salute to Industry event held May 11<sup>th</sup> and then updated the city council on the Plan & Zoning Commission activities.

Park Board Representative, Chad Hade updated the city council on Park Board activities.

**E. REPORT OF LOBBYIST: none**

**F. APPROVAL OF CONSENT AGENDA:**

• **Minutes**

- CA-1 Approval of official council actions of the regular meeting of May 3, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-2 Receive and file minutes of the Plan & Zoning Commission meeting of May 4, 2010, subject to correction, as recommended by the recording secretary.
- CA-3 Receive and file minutes of the Library Board meeting of April 15, 2010, subject to correction, as recommended by the recording secretary.
- CA-4 Receive and file minutes of the Civil Service Commission Meeting of May 12, subject to correction, as recommended by the recording secretary.
- CA-5 Receive and file minutes of the Park Board Meeting of April 27, subject to correction, as recommended by the recording secretary.

• **Licenses and Permits:**

- CA-6 Consider motion to approve a special permit #1 for expanded outdoor service area for the current Class C Liquor License w/Sunday Sales held by Chips Restaurant, Inc., d/b/a Chips Rotisserie Bakery & Bar, 2502 SE Tones Drive. (June 12, 2010 – Car Show Event)
- CA-7 Consider motion to approve a Class B Liquor License w/Sunday Sales for Ankeny Hotel Associates, LLC, d/b/a Courtyard by Marriott, 2405 SE Creekview Drive. (renewal)
- CA-8 Consider motion to approve a Class B Beer Permit w/Sunday Sales for Premier Pizza, Inc., d/b/a Leaning Tower of Pizza, 512 SW 3<sup>rd</sup> Street. (renewal)
- CA-9 Consider motion to approve a Class C Beer Permit w/Sunday Sales, for Tim's Convenience Services, Inc., d/b/a Tim's Amoco, 102 North Ankeny Blvd. (renewal)

- CA-10** Consider motion to approve a Class B Native Wine Permit for Linda Cummings, d/b/a Urban Mix, 1555 SE Delaware Avenue, Suite J. (new)
- CA-11** Consider motion to approve a Class C Beer Permit w/Sunday Sales & Carryout Wine for Walgreen Co., d/b/a Walgreens #7454, 901 North Ankeny Blvd. (renewal)
- CA-12** Consider motion to approve a Class C Beer Permit w/Sunday Sales & Carryout Wine for Walgreen Co., d/b/a Walgreens #7996, 2702 SE Delaware Avenue. (renewal)
- CA-13** Consider motion to approve a Class C Liquor License w/Sunday Sales Catering Privilege & Outdoor Service Area for On the Waterfront Seafood Restaurant, Inc., d/b/a On the Waterfront Seafood Restaurant, 2414 SE Tones Drive. (renewal)
- CA-14** Consider motion to approve a Class B Beer Permit w/outdoor service area for Ankeny Jaycees d/b/a Ankeny Jaycees-Unplugged Event (June 3, 2010), 420 West First Street (Ankeny Bandshell).

• **Finance/Budget**

- CA-15** Consider motion to receive and file Financial Reports for April 2010.
- CA-16** Consider motion to receive and file Building Permit Report for April 2010.
- CA-17** Consider motion to receive and file Utility Billing Report for April 2010.
- CA-18** Consider motion to adopt RESOLUTION 2010-114 relating to the revision of the Financial Policy of the Standard Administrative Policy and Procedural Manual of the City of Ankeny, Iowa.
- CA-19** Consider motion to approve Payment #1 in the amount of \$78,755.00 to Construct, Inc., for construction services on the Otter Creek and Renaissance Park Improvements Project – Phase II.
- CA-20** Consider motion to approve Payment #2 in the amount of \$10,820.75 to FOX Engineering Associates, Inc., for engineering services on the NE 54<sup>th</sup> Street Sanitary Sewer Project.
- CA-21** Consider motion to approve Payment #2 in the amount of \$102,565.75 to Howard R. Green Company for engineering design services on the I-35 & NE 36th Street Interchange Project – Final Design.
- CA-22** Consider motion to approve Payment #2 in the amount of \$16,792.00 to Nilles Associates, Inc., for engineering services on the South Ankeny Boulevard Feeder Main Project.

- CA-23** Consider motion to approve Payment #12 in the amount of \$691,555.17 to Sande Construction and Supply Co., Inc., for construction services on the Cascade Falls Aquatic Center Project.
- CA-24** Consider motion to approve Change Order #6 decreasing the contingency allowance by \$17,587.00 to Sande Construction and Supply Co., Inc., for construction services on the Cascade Falls Aquatic Center Project.
- CA-25** Consider motion to approve Change Order #8 decreasing the contract amount by \$5,381.35 to Sternquist Construction, Inc., for construction services on the 2009 SE Oralabor Road Reconstruction Project.
- CA-26** Consider motion to approve Payment #9 in the amount of \$123,951.39 to Sternquist Construction, Inc., for construction services on the 2009 SE Oralabor Road Reconstruction Project
- CA-27** Consider motion to approve Payment #1 in the amount of \$26,149.18 to TK Concrete Inc., for construction services on the 2010 PCC Street Patching Program - Phase 1.
- CA-28** Consider motion to approve Payment #22 in the amount of \$23,200.00 to Water's Edge Aquatic Design, LLC for design services on the Aquatic Center Design Project.
- CA-29** Consider motion to approve the May 17, 2010 Accounts Payable from the following funds: General \$126,120.79, Hotel Motel Tax \$1,000.00, Road Use Tax \$34,017.59, Tax Increment Financing \$7,777.50, Economic Development \$1,585.09, Library Gift Trust \$565.73, Recreation Activities \$4.00, Solid Waste \$32,112.57, Water \$244,629.82, Sewer \$232,803.94, Stormwater \$69.18, Golf Course \$43,556.79, Enterprise Project \$45,677.79, Revolving \$21,274.48, Risk Management \$2,519.84, Equipment Reserve \$8,530.42, Capital Projects \$1,075,752.65, Payroll \$600,603.05, Less Service Transfers (\$114.48), Less Agenda Payments Approved Separately (\$1,073,789.24), Grand Total \$3,552,275.99 (Finance Committee: G. Welch, Chp., W. Steenhoek, D. Kissinger )

• **Personnel Items:**

- CA-30** Consider motion to approve the list of candidates certified eligible for appointment subject to passing all other requirements for the position of Web Communication Specialist. (list on file in the city clerk's office)
- CA-31** Consider motion to approve the list of candidates certified eligible for appointment subject to passing all other requirements for the position of Accounting Clerk. (list on file in the city clerk's office)
- CA-32** Consider motion to approve the Agreement Respecting Loss Prevention Program 2010-2011 between the City of Ankeny and Des Moines Water Works ("DMWW") and authorize Mayor to execute said agreement.

- **Community Development Items**

- CA-33** Consider motion to adopt RESOLUTION 2010-115 accepting final plat, deed to streets and parkland; and performance bonds for paving and underground improvements North Prairie Bend Plat 2.
- CA-34** Consider motion to adopt RESOLUTION 2010-116 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in North Prairie Bend Plat 2.
- CA-35** Consider motion to adopt RESOLUTION 2010-117 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in North Prairie Bend Plat 2.
- CA-36** Consider motion to grant preliminary approval of the 3JMOS Final Plat.
- CA-37** Consider motion to adopt RESOLUTION 2010-118 setting a public hearing on the vacation of 2.467 acres of public right-of-way located within the City of Ankeny, Iowa, known as NW 98<sup>th</sup> Avenue and adjacent to land owned by Michael D. Kidman, Brian R. Nail and First Bank. (date of hrg: 6/7/10 @ 5:30 p.m.)
- CA-38** Consider motion to adopt RESOLUTION 2010-119 providing for the notice and hearing of the City Council of Ankeny, Iowa, on a proposed ordinance regulating small wind energy conversion systems (SWECS) within the City of Ankeny, Iowa. (date of hrg: 6/7/10 @ 5:30 p.m.)

- **Engineering Items:**

- CA-39** Consider motion to receive and file the report of bids received for the 2010 Sanitary Sewer Cleaning Program and authorize staff to issue a purchase order to Midwest Trenchless Technologies, Inc.

- **Capital Improvement Projects - Final Acceptance:** none

- **Administrative Items:**

- CA-40** Consider motion to adopt RESOLUTION 2010-120 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing delinquent utility account balances against property.
- CA-41** Consider motion to adopt RESOLUTION 2010-121 authorizing the execution of a debt collection agreement between the City of Ankeny and Hauge Associates, Inc., for the collection of delinquent accounts for ambulance services.

- CA-42** Consider motion to adopt RESOLUTION 2010-122 designating the Ankeny Unplugged Events at the Bandshell as community celebrations in accordance with Section 130.05 and waiving requirements of Section 130.07(1) of the Ankeny City Code for a special use permit.
- CA-43** Consider motion to adopt RESOLUTION 2010-123 appointing Bankers Trust Company of Des Moines, Iowa, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement. (\$7,920,000 General Obligation Refunding Bonds, Series 2010C)
- CA-44** Consider motion to approve the Tax Exemption Certificate.
- CA-45** Consider motion to approve the Continuing Disclosure Certificate.
- CA-46** Consider motion to adopt RESOLUTION 2010-124 authorizing and providing for the issuance of \$7,920,000 General Obligation Refunding Bonds, Series 2010C and levying a tax to pay said bonds.
- CA-47** Consider motion to adopt RESOLUTION 2010-125 approving the Preliminary Official Statement for \$13,000,000 (amount subject to change) General Obligation Bond Anticipation Project Notes, Series 2010D.
- CA-48** Consider motion to receive and file correspondence received from the Iowa Department of Transportation dated May 7, 2010 notifying the City of Ankeny of their proposal to let a PCC patching project on I-35 from I-80 north to the Wright County Line on June 15, 2010.

**ACTION #4.** Kissinger made MOTION to approve the recommendations for Consent Agenda Items CA-1 through CA-48, seconded by Welch.

**ROLL CALL**

2010-0517.4                      YES    4                      NO    0

**G. SUPPLEMENTAL & REMOVED CONSENT AGENDA ITEMS:**

**ACTION #5.** No action taken.

**H. RECESS:**none

**I. LEGISLATIVE BUSINESS:**

- Approval of Ordinances:

**Ordinance 1661:** An ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to illicit discharge to storm sewer system

**ACTION #6.** Strait made the MOTION to accept second consideration of ORDINANCE 1661, seconded by Kissinger.

**ROLL CALL**  
**2010-0517.6**            **YES   4        NO   0**

**Ordinance 1662:** An ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to regulation of fat, oil and grease discharge by food service establishments.

**ACTION #7.** Steenhoek made the MOTION to accept second consideration of ORDINANCE 1662, seconded by Strait.

**ROLL CALL**  
**2010-0517.7**            **YES   4        NO   0**

**J. OLD BUSINESS:** none

**K. NEW BUSINESS:**

- Proposed Amendment to current Budget for Fiscal Year ending June 30, 2010. (PH 2010-14)

**ACTION #8.** Kissinger made the MOTION to adopt RESOLUTION 2010-126 amending the current budget for fiscal year ending June 30, 2010, seconded by Welch.

**ROLL CALL**  
**2010-0517.8**            **YES   4        NO   0**

- Proposed Approval of Joint Powers Agreement for the issuance of revenue bonds for Presbyterian Homes Obligated Group (PH 2010-15)

**ACTION #9.** Welch made the MOTION to adopt RESOLUTION 2010-127 giving host approval to the issuance of revenue bonds, authorizing execution of a joint powers agreement, and ratifying preparation and publication of a notice of hearing (Presbyterian Home Obligated Group Project), seconded by Kissinger.

**ROLL CALL**  
**2010-0517.9**            **YES   4        NO   0**

- Funding and Implementation of Homeland Security Services  
28E Agreement - Metropolitan Cities and Counties

**ACTION #10.** Strait made the MOTION to adopt RESOLUTION 2010-128 approving a Chapter 28E Agreement for the funding and implementation of



**Homeland Security Services within the Metropolitan Area, seconded by Kissinger.**

**ROLL CALL**

**2010-0517.10                      YES    4            NO    0**

- First Amendment to the Amended and Restated Agreement Des Moines Regional Transit Authority

**ACTION #11. Steenhoek made the MOTION to adopt RESOLUTION 2010-129 approving First Amendment to the Amended and Restated Agreement for the Des Moines Regional Transit Authority, seconded by Strait.**

**ROLL CALL**

**2010-0517.11                      YES    4            NO    0**

- Proposed – NE 54<sup>th</sup> Street Sanitary Sewer Extension Project Initiate Proceedings.

**ACTION #12. Kissinger made the MOTION to adopt RESOLUTION 2010-130 ordering construction of certain public improvements, and fixing a date of hearing thereon and taking of bids therefore, seconded by Steenhoek. (date of bid-letting: 6/15/10 @ 10:30 a.m. /date of hearing: 06/21/10 @ 5:30 p.m.)**

**ROLL CALL**

**2010-0517.12                      YES    4            NO    0**

- Mutual Aid Agreement – City of Polk City 28E Agreement

Rex Mundt, Fire Chief, introduced Fire Chief Jason Morse present from the Polk City Fire Department. Chief Mundt stated this Mutual Aid Agreement is a renewal. He stated the agreement has been revised in terms of the process and language with the core of the agreement unchanged with the exception of the geographic limits of the dual response area and the addition of auto-aid fire response by the Ankeny Fire Department to Polk City.

**ACTION #13. Strait made the MOTION to adopt RESOLUTION 2010-131 approving a Mutual Aid Agreement for Fire and EMS services between the City of Ankeny and the City of Polk City, Iowa, seconded by Welch.**

**ROLL CALL**

**2010-0517.13                      YES    4            NO    0**

- Request for Executive Session

**ACTION #14. Kissinger made the MOTION that Council go into Executive Session, pursuant to the provisions of Iowa Code Chapter 21.9 “for the purpose of discussing strategy in matters relating to employment**

conditions of employees who are not covered by a collective bargaining agreement”, seconded by Strait.

**ROLL CALL**

**2010-0517.14                      YES    4                      NO    0**

Council went into executive session at 6:16 p.m.

Council reconvened at 6:27 p.m.

**L. ADMINISTRATIVE BUSINESS:**

- **REPORT OF THE CITY STAFF:**

City Manager Metzger reported that the Iowa Department of Transportation is performing work on Highway 69 north and south of First Street.

- **REPORT OF THE GOVERNING BODY:**

Mayor Van Oort reported that at the Salute to Industry event held May 11<sup>th</sup> the City of Ankeny along with DRA Properties received the 2010 Public/Private property award in recognition of the Prairie Trail Development project. He further reported that the Youth Council received a \$1,500 Community Betterment Grant.

Council Member Kissinger noted there was some resident concern about the Ash Borer.

Council Member Strait noted the progress at Cascade Falls Aquatic Center.

Council Member Steenhoek reported that the Ankeny Rotary had raised almost \$1,000 during Ankeny Cleanup Days. He also stated he would be absent on June 14, 2010.

***Future Council Agenda Items:***

- ***Council Action Planning Session – 1) CIP Funding Options and 2) Fire Department Capital Equipment – 5/24/10 @ 5:00 p.m.***
- ***Public Hearing - 2010 South Ankeny Boulevard Feeder Main Project (date of hrg: 6/7/10 @ 5:30 p.m.)***
- ***Public Hearing - 2010 Street Patching Program – Phase II (date of hrg: 6/7/10 @ 5:30 p.m.)***
- ***Public Hearing - 2010 Street Patching Program – Phase III (date of hrg: 6/7/10 @ 5:30 p.m.)***
- ***Public Hearing - SW Magazine Road and SW Cherry Street Paving Project – Phase II - (date of hrg: 6/7/10 @ 5:30 p.m.)***
- ***Public Hearing - SW Magazine Road and U.S. 69 Intersection Improvements Project - (date of hrg: 6/7/10 @ 5:30 p.m.)***
- ***Public Hearing – Vacation of Street Right of Way – NW 98<sup>th</sup> Street - (date of hrg: 6/7/10 @ 5:30 p.m.)***
- ***Public Hearing – Small Wind Energy Conversion Systems Ordinance - (date of hrg: 6/7/10 @ 5:30 p.m.)***
- ***Resolution of Support & Memorandum of Understanding - Ankeny Girls Softball Association for Field Lighting - 6/7/10 @ 5:30 p.m.***

- ***Public Hearing – NE 54<sup>th</sup> Street Sanitary Sewer Extension Project (date of hrg: 6/21/10 @ 5:30 p.m.)***

**M. ADJOURNMENT**

***ACTION #15.*** There being no further business, Strait made the MOTION to adjourn, seconded by Welch. (6:39 p.m.)

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Pamela DeMouth, City Clerk

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Steven D. Van Oort, Mayor

The context of the above meeting will be submitted for council action at their next regular meeting on June 7, 2010.

Published in the Des Moines Register on the 1<sup>st</sup> day of June, 2010.